

Remarks

1. Summary of Office Action

In the office action mailed May 11, 2007, the Examiner rejected claims 1-10 under 35 U.S.C. § 112, first paragraph, as allegedly being a single means claim. Further, the Examiner rejected claims 1-23 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent Application Pub. No. 2002/0122541 (Metcalf) in view of U.S. Patent No. 6,233,318 (Picard).

2. Status of the Claims

Applicant has amended claim 1 to recite that the voice command platform comprises a processor and program logic executable by the processor, so that claim 1 is no longer arguably a single means claim. Applicant has also amended claim 1 to include the subject matter of claim 10 (including intervening claim 8, which depended from claim 1), Applicant has cancelled claims 8 and 10 to avoid redundancy, and Applicant has amended claim 9 to depend from 1 instead of from now-cancelled claim 8. Further, Applicant has amended claim 11 to add subject matter similar to that added to claim 1.

Now pending are claims 1-7, 9, and 11-16, of which claims 1 and 11 are independent and the remainder are dependent.

3. Response to § 112 Rejection

The Examiner rejected claims 1-10 on grounds that claim 1 was allegedly a single means claim. A reasonable argument can be made that claim 1 was not a single means claim, as claim 1 did not recite means for carrying out a particular function but rather recited a "voice command platform" "programmed" to carry out particular functions. The term "voice command platform" connotes more structure than mere "means." Furthermore, the claim recited that the voice

command platform is "programmed" to carry out particular functions, which connotes more than just the functions.

In the spirit of cooperation and in an effort to expedite prosecution of this case, however, Applicant has amended claim 1 to add additional non-means structure, by reciting that the voice command platform comprises a processor and program logic executable by the processor. The term "processor" has a very well understood meaning in the art and would not be reasonably interpreted to cover generally all means but would rather be understood to cover one or more processors (as defined by the specification). Thus, claim 1 as amended is clearly not a single means claim.

4. Response to § 103 Rejection

Under M.P.E.P. § 2143, in order to establish a *prima facie* case of obviousness over a combination of references, the Examiner must articulate reasoning with rational factual underpinnings to support the legal conclusion of obviousness.

In rejecting claim 10, which is now incorporated into claim 1, the Examiner did not establish *prima facie* obviousness, because the alleged facts on which the Examiner relied as a basis for the obviousness conclusion were incorrect. Given that the Examiner's rejection of claim 10 was erroneous, and given that the subject matter of claim 10 is now incorporated expressly into claim 1, it follows that claim 1 should now be allowed.

In particular, when rejecting claim 10, the Examiner asserted that Metcalf discloses at paragraph 0042 that the notification profile of the user indicates user-specific name of at least one of the message portals, and that the consolidated summary refers to the message portal by the user-specific name. Yet a review of paragraph 0042 of Metcalf, as well as Metcalf as a whole, shows that Metcalf does not disclose that functionality, either alone or in combination

with the other elements claim 10 (recited in claims 1 and 8). Therefore, the Examiner's assertion that Metcalf discloses the notification profile of the user indicating user-specific name of at least one of the message portals and the consolidated summary referring to the message portal by the user-specific name is incorrect as a basis matter.

Because the Examiner based the obviousness rejection of claim 10 on the incorrect assertion that Metcalf discloses the notification profile of the user indicating user-specific name of at least one of the message portals and the consolidated summary referring to the message portal by the user-specific name, the Examiner's obviousness rejection of claim 10 lacks the sound factual underpinnings required by M.P.E.P. § 2143 to establish *prima facie* obviousness. Therefore, the Examiner did not make out a *prima facie* case of obviousness of claim 8 over Metcalf in view of Picard, and so claim 10 should have been allowable. Now that the subject matter of claim 10 has been incorporated expressly into claim 1, it follows that claim 1 should be allowed.

Without conceding the Examiner's additional assertions regarding the claims, Applicant submits that dependent claims 2-7 and 9 are allowable as well for at least the reason that they depend from allowable claim 1.

As noted above, Applicant has amended independent claim 11 to include limitations similar to those added into claim 1. In particular, Applicant has amended claim 11 to recite that "the consolidated message summary is personalized based on a notification profile maintained for the user, wherein the notification profile for the user indicates user-specific name of at least one of the message portals, and wherein the consolidated message summary refers to the message portal by the user-specific name."

Applicant submits that claim 11 patentably distinguishes over Metcalf in view of Picard for largely the same reason that claim 1 patentably distinguishes over Metcalf in view of Picard. Thus, Applicant submits that claim 11 should be allowed. Furthermore, without conceding the Examiner's additional assertions regarding the claims, Applicant submits that dependent claims 12-16 are allowable as well for at least the reason that they depend from allowable claim 11.

5. Conclusion

For at least these reasons, Applicant submits that claims 1-7, 9, and 11-16 are allowable, and thus Applicant respectfully requests favorable action.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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Date: June 4, 2008

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